

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
425 Fifth Avenue North
NASHVILLE, TENNESSEE 37243-0497

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Opinion No. 03-060

County Buildings Located Outside City Limits of County Seat Town

QUESTION

May a county locate a jail, the courthouse, and the clerk's offices outside the city limits of the county seat. If yes, under what circumstances?

OPINION

Generally, the courthouse and all county buildings, other than the jail and the county highway department garage, must be located within the city limits of the county seat town. The jail and the county highway department garage may be located outside the limits of the county seat town but within the boundaries of the county.

ANALYSIS

Tennessee Code Ann. § 5-7-105 directly addresses your question. This statute provides:

The courthouse and all county buildings provided by the county for the county officers shall be erected within the limits of the county town; provided, that the jail and county highway department garage may be erected outside the limits of the county town but within the boundaries of the county; provided, that if two (2) or more counties enter into an interlocal agreement providing for a jail or workhouse to serve the counties which are parties to the agreement, then a county which is a party to such an agreement shall not be required to have a jail or workhouse located within the boundaries of the county, but any jail or workhouse serving more than one (1) county shall be located within the boundaries of one (1) of the counties which is a party to the agreement.

Accordingly, the county courthouse and most county buildings, including the clerk's offices, must

be located within the limits of the county seat.¹ Tennessee Code Ann. § 5-7-105 makes an exception for the county's jail and highway department garage. These facilities may be located outside the limits of the county seat town but within the boundaries of the county. Also, the statute provides for interlocal agreements among counties to share a jail or workhouse. Under the circumstances, the jail or workhouse must be located in one of the participating counties.

PAUL G. SUMMERS
Attorney General and Reporter

MICHAEL E. MOORE
Solicitor General

EUGENIE B. WHITESSELL
Senior Counsel

Requested by:

Lieutenant Governor
Sen. John S. Wilder
Suite One, Legislative Plaza Building
Nashville, TN 37243-0026

¹Under circumstances detailed in Tenn. Code Ann. § 5-7-111, a county's courthouse may be relocated to a different site within the county seat town. *See Lawson v. Ray*, 549 S.W.2d 373, 377 (Tenn. 1977). Also, it is implied in Tenn. Code Ann. § 5-4-105 that a county's courthouse may be relocated from the county seat in which it was originally established to another place in the county when the county seat is removed to that place. In this situation, of course, the county's courthouse would again be in the county seat.